

bills be read on three several days be suspended, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

### THIRTY-SEVENTH DAY.

Senate Chamber,  
Austin, Texas,  
Monday, February 26, 1917.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor W. P. Hobby.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Hudspeth.
Bailey.	Johnson of Hall.
Bee.	Johnston of Harris.
Buchanan of Bell.	King.
Buchanan of Scurry.	Lattimore.
Caldwell.	McCollum.
Clark.	McNealus.
Dayton.	Page.
Dean.	Parr.
Floyd.	Robbins.
Gibson.	Smith.
Hall.	Strickland.
Harley.	Suiter.
Henderson.	Westbrook.
Hopkins.	Woodward.

Absent—Excused.

Decherd.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Westbrook.

### Excused.

Senator Decherd, for today and indefinitely, on account of sickness, on motion of Senator Bee.

### Petitions and Memorials.

See Appendix.

### Committee Reports.

See Appendix.

### Bills Signed.

The Chair, Lieutenant Governor

Hobby, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 330, A bill to be entitled "An Act to create a Criminal District Court for the Counties of Nueces, Kleburg, Willacy and Cameron, and to prescribe the jurisdiction thereof as a criminal court; and also conferring upon said court the power to try and determine divorce suits, to fix time for holding the terms thereof; to provide for the appointment and election of the judge thereof; to provide for the sheriff, clerk and attorney thereof, and their election; to limit and conform thereto the jurisdiction of the court of the Twenty-eighth Judicial District of the State of Texas; to conform and validate all writs, processes, bonds, recognizances and drawing of petit and grand juries of such courts to the changes made herein; and to define the jurisdiction of the district court of the Twenty-eighth Judicial District of Texas; to repeal all laws and parts of laws in conflict herewith and declaring an emergency."

S. B. No. 322, A bill to be entitled "An Act creating the Tilden Independent School District in McMullen County, Texas, and defining the boundaries, etc., and declaring an emergency."

S. B. No. 355, A bill to be entitled "An Act declaring that all bonds issued under and by virtue of the Federal Farm Loan Act approved by the President of the United States July 17, 1916, shall be lawful investment for all fiduciary and trust funds and may be accepted as security for all public deposits where deposits of bonds or mortgages are authorized by law to be accepted; declaring such bonds lawful investment for all funds which may be lawfully invested by guardians, administrators, trustees and receivers, for saving deposits of State banks, for banks, saving banks, and trust companies chartered under the laws of Texas, for all insurance companies chartered or transacting business under the laws of Texas where investments are required or permitted, and providing that where such bonds are secured by notes or other obligations the payment of which is secured by mortgage, deed of trust or other valid lien upon real estate situated in this State, then that such bond or bonds shall be regarded for investment pur-

poses by insurance companies as Texas securities, and declaring an emergency."

S. B. No. 225, A bill to be entitled "An Act creating the Georgetown Independent School District in the County of Williamson, State of Texas; defining its boundaries; providing for a board of trustees to manage and control the public free schools within said district, and declaring an emergency."

S. B. No. 235, A bill to be entitled "An Act to amend Section 23, Chapter 75, General Laws of Texas, creating Duval and other counties, approved February 1, 1858; and to amend Section 1, Chapter 73, General laws of Texas, creating Jim Hogg County, approved March 31, 1913, the purpose of this Act being to change the boundary line between Duval and Jim Hogg Counties, and declaring an emergency."

S. B. No. 308, A bill to be entitled "An Act creating and incorporating the Post Independent School District, in Garza County, Texas, and defining the boundaries thereof, and providing for a board of trustees thereof, and defining their powers and authority, authorizing said board to levy, assess and collect taxes for maintenance and building purposes and to issue bonds therefor; providing for an assessor and collector of taxes thereof, and providing for a board of equalization of said school district, providing for an election of trustees thereof, and providing for an emergency."

#### Bills and Resolutions.

By Senator Strickland:

S. B. No. 425, A bill to be entitled "An Act authorizing the State Librarian and archivist and historian of the State Library to purchase for the State of Texas suitable fireproof safes for the protection of the State archives, and making an appropriation therefor, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Johnston of Harris:

S. B. No. 426, A bill to be entitled "An Act providing that the nominations by political parties of candidates for offices of cities, of counties, or of subdivisions of counties and of districts where their territorial ex-

tent is limited to a particular county or part of same, shall be made either by a party convention or by a party primary election as now provided by law, and that the nominations by political parties of candidates for all other offices shall be made by a primary convention held under the control and direction of the proper executive committee of the particular political party; and providing regulation for the holding of such primary conventions and of the preliminary conventions to select delegates thereto, etc."

Read first time and referred to the Committee on Privileges and Elections.

By Senator Caldwell:

S. B. No. 427, A bill to be entitled "An Act making an appropriation of the sum of \$1,799.66 for the purpose of supplementing existing appropriations and the payment of the salaries of certain employes, etc., in the department of the Superintendent of Public Buildings and Grounds for the months of February to August, 1917, both inclusive, fixing such salaries for such time, and for the purpose of paying one-half the expense of certain paving, and declaring an emergency."

Read first time and referred to the Committee on Finance.

By Senator Caldwell:

S. B. No. 428, A bill to be entitled "An Act to amend Articles 7828, 7829, 7831 and 7833, of Chapter 2, Title 132, of the Revised Civil Statutes of the State of Texas of 1911, so as to provide for the election and appointment of public weighers for election precincts in place of justices' precincts, and declaring an emergency."

Read first time and referred to the Committee on Privileges and Elections.

By Senator Caldwell:

S. B. No. 429, A bill to be entitled "An Act to repeal an Act of the Thirty-fifth Legislature, entitled 'An Act amending Articles 2440, 2441, 2442, 2443, 2444 and 2445, Chapter 2, Title 44, of the Revised Civil Statutes of the State of Texas of 1911, providing for county depositories; providing that the amount of the bond of the county depository shall in no event be for less than the total amount of revenue of the county for the next preceding year; adding Ar-

title 2443a, providing and requiring special additional bonds to cover any or all special funds, including the sale or sales of bonds belonging to the county, or a subdivision thereof; providing for the substitution of bonds made under the provisions of this Act for bonds now in existence, and declaring an emergency."

Read first time and referred to the Committee on Civil Jurisprudence.

By Senator Henderson:

S. B. No. 430, A bill to be entitled "An Act to amend Special Road Law of Morris County, passed by the Thirty-first Legislature and amended at the Regular Session of the Thirty-fourth Legislature and creating a more efficient road law for Morris County."

Read first time and referred to the Committee on Roads, Bridges and Ferries.

By Senator Lattimore:

S. B. No. 431, A bill to be entitled "An Act to provide that owners of public free school lands purchased from the State on condition of settlement and residence between January 1, 1907, and January 1, 1915, which land may hereafter be forfeited for the non-payment of interest accrued or accruing at the first time of the taking effect of this Act, shall have the right to repurchase not to exceed four sections at a price to be fixed by the Commissioner of the General Land Office, and holding unimpaired any lien and valid contractual right existing between the owner at date of forfeiture and other persons of the State; and providing that the owner desiring to so repurchase shall pay five dollars for each tract desired to be repurchased and all interest accrued to the date of repurchase; and authorizing the said commissioner to use so much of the sum received for the tracts to be reappraised as may be necessary to defray the expenses of the reappraisal and to cover the remainder of said sum into the State Treasury, and declaring an emergency."

Read first time and referred to the Committee on Public Lands and Land Office.

By Senator Clark:

S. B. No. 432, A bill to be entitled "An Act to amend Article 6292 of the Revised Civil Statutes of the State of Texas for 1911; prescribing the fees

that may be charged by the Texas State Board of Pharmacy."

Read first time and referred to the Committee on Public Health.

By Senator Parr:

S. B. No. 433, A bill to be entitled "An Act to amend Sections 6 and 6a of an Act to reorganize the Twenty-eighth Judicial District of the State of Texas, and to create a criminal district court for the counties of Nueces, Kleberg, Willacy and Cameron, being known as S. B. No. 330, passed by the Thirty-fifth Legislature and approved February 26, 1917, and to conform all writs and processes from such courts to such changes, including recognizances and bonds, and to repeal all laws in conflict herewith, and declaring an emergency."

Read first time and referred to the Committee on Judicial Districts.

By Senator Caldwell:

S. B. No. 434, A bill to be entitled "An Act making it unlawful for a person engaged in practicing or attempting any trick or device to procure money or other things of value, if such trick or device is made a public offense under the laws of this State, or any person engaged in soliciting, procuring, attempting to solicit or procure money or other things of value by falsely pretending and representing himself to be blind, deaf, dumb, without arms or legs, or to be otherwise physically deficient or to be otherwise suffering from any physical defect or infirmity, and providing a punishment therefor."

Read first time and referred to the Committee on Criminal Jurisprudence.

By Senators Harley, Woodward and Caldwell:

S. B. No. 435, A bill to be entitled "An Act to define and provide for organizing and disciplining the militia of the State of Texas, and defining the National Guard of Texas so as to conform with the National Defense Act, enacted by the Sixty-fourth Congress of the United States, approved June 3, 1916; creating the office of the Adjutant General of the State of Texas, and providing for the appointment of necessary clerks and assistants; to prescribe the duties of the Governor, the Adjutant General, and all officers and enlisted men of the National Guard of Texas; to define military



offenses; to provide for punishment thereof, prescribing articles of war; providing for the creation of military courts and boards, and the military trial court, and prescribing their procedure; providing for draft from the unorganized militia in time of war; providing for pay, transportation and subsistence of the officers and enlisted men of the National Guard of Texas, when in actual service of the State; and to repeal Chapters 1, 2 and 3, Title 91, Revised Civil Statutes, 1911, and all other laws and parts of laws in conflict herewith."

Read first time and referred to the Committee on Military Affairs.

Morning call concluded.

#### Messages from the House.

Hall of the House of Representatives.  
Austin, Texas, Feb. 26, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 64, A bill to be entitled "An Act to amend Chapter 68 of the Acts of the Thirty-second Legislature and Chapter 154 of the Acts of the Thirty-third Legislature, and to provide that sand and other deposits taken for the raising of the grade of the salt flats in the northern part of Corpus Christi and the lowlands lying north of the north boundary line of the city of Corpus Christi, in Nueces County, Texas, shall be exempt from the provisions of said Chapter 68, and declaring an emergency."

H. B. No. 77, A bill to be entitled "An Act to authorize the Supreme Court to prescribe forms and rules and generally to regulate pleading, practice and procedure in the courts of the State of Texas, and providing that as such rules are promulgated, all laws in conflict therewith shall be of no further force or effect," with engrossed rider.

H. B. No. 72, A bill to be entitled "An Act to provide for the establishment, maintenance and government of a State Normal College to be located at Corpus Christi, Nueces County, Texas, and to be known as the South Texas State Normal College, and declaring an emergency."

H. B. No. 48, A bill to be entitled

"An Act for the protection of stock-raisers, farmers and horticulturists; providing for the destruction of wolves and other wild animals; to make an appropriation therefor; to repeal all laws and parts of laws in conflict herewith, and declaring an emergency," with engrossed rider.

H. B. No. 73, A bill to be entitled "An Act declaring it the duty of the owner entitled to the beneficial use, rental or control of, or in case of a non-resident, the occupant or lessee of any building three or more stories in height, constructed, used or intended to be used, as a hospital, seminary, college, academy, schoolhouse, dormitory, hotel, lodging house, apartment house, rooming house, boarding house, theater, or any place of public amusement, lodge, hotel, or any hall used for public gatherings, or any manufacturing establishment, or industrial plant, wholesale or retail store, work shop, warehouse, office building, or any building erected by any municipal, county or State authority wherein public assemblies are permitted, or sleeping apartments are provided on any floor above the second, to erect and fix on every such building one or more adequate fire escapes; defining the number of such fire escapes; providing the number of fire escapes for six or more stories in height; providing the location of fire escapes; providing for the erection of stairways, character, kind and number of stairways which are to be constructed, and the location of the same; defining what shall be considered a story of a building within this Act; defining adequate fire escapes; conferring certain duties relative to the administration of this Act upon the fire marshal of the State Fire Insurance Commission; providing that guide signs and exit lights shall be placed in buildings within the terms of the Act and making it unlawful to obstruct in any manner fire escapes or corridors leading thereto; declaring that the fire marshal of the State Fire Insurance Commission shall have general charge and supervision of the enforcement of the provisions of this Act; making it the duty of the inspectors of the State Fire Insurance Commission or chiefs of fire departments and fire marshals of the State to assist said fire marshal of the State Fire Insurance Commission; providing for the issuance and service of notices in cases where fire



escapes should be erected on buildings; provided that the occupant or lessee of any building who is required to erect fire escapes under this Act shall be entitled to reimburse themselves for the cost and expense of erecting fire escapes, out of the rent or lease money of said premises; conferring certain authority upon the Attorney General of the State, and county and district attorneys, and making it the duty of the latter, upon the direction of the Attorney General, to bring action by injunction for the enforcement of this Act; authorizing the court to take charge of buildings where fire escapes have not been erected by writ of sequestration; creating and defining offenses in violation of this Act, prescribing the punishment therefor; repealing all laws and parts of laws in conflict with this Act, and declaring an emergency."

H. B. No. 53 was postponed indefinitely; copy of bill herewith transmitted.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Feb. 26, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 738, A bill to be entitled "An Act creating the Remlig Common County Line Independent School District, known as Remlig Common County Line School District No. 3, Jasper County, Texas, etc., and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

#### Bills Read and Referred.

The Chair, Lieutenant Governor Hobby, had referred, after their captions had been read, the following House bills:

H. B. No. 738, referred to the Committee on Educational Affairs.

H. B. No. 499, referred to the Committee on Insurance and Banking.

H. B. No. 48, referred to the Committee on Stock and Stock Raising.

H. B. No. 77, referred to the Committee on Civil Jurisprudence.

H. B. No. 72, referred to the Committee on Educational Affairs.

H. B. No. 64, referred to the Committee on State Affairs.

H. B. No. 73, referred to the Committee on Criminal Jurisprudence.

#### Senate Bill No. 202.

Senator Parr asked unanimous consent to take up S. B. No. 202.

There was objection.

Senator Parr moved that the regular order of business (S. B. No. 219) be suspended and that the Senate take up, out of its order, S. B. No. 202.

The motion prevailed by the following vote:

Yeas—17.

Bee.	Johnston of Harris.
Buchanan of Scurry.	King.
Caldwell.	McCollum.
Clark.	Page.
Dayton.	Parr.
Floyd.	Smith.
Gibson.	Strickland.
Harley.	Woodward.
Henderson.	

Nays—7.

Alderdice.	Lattimore.
Hopkins.	Suiter.
Hudspeth.	Westbrook.
Johnson of Hall.	

Absent.

Bailey.	Hall.
Buchanan of Bell.	McNealus.
Dean.	Robbins.

Absent—Excused.

Decherd.

The Chair laid before the Senate on second reading:

S. B. No. 202, A bill to be entitled "An Act to change the name of Wil-lacy County to Mifflin Kenedy County, and to repeal all laws in conflict herewith, and declaring an emergency."

The committee report that the bill be not printed was adopted.

Senator Parr offered the following amendment:

(1) Amend by striking out all of Section 1 and by inserting a new Section 1 to read as follows:

"Section 1. That whereas it was

the intentions and desire of Senator John G. Willacy, the author of the act of the Thirty-second Legislature creating the County of Willacy, to have said county named Mifflin Kennedy County, and that over his protest said county was named Willacy, and whereas the said John G. Willacy, in order to keep faith with an original intent and purpose that the said county be named Mifflin Kennedy County, and whereas the said John G. Willacy personally and urgently requests that the name of said county be changed from "Willacy" to "Mifflin Kennedy," therefore the name of Willacy County, created by an Act of the Thirty-second Legislature and approved March 11, 1911, be and the same is hereby changed to and shall hereafter be known and called "Mifflin Kennedy County," in honor of the memory of Captain Mifflin Kennedy, an early Texas pioneer, patriot and philanthropist."

The amendment was adopted by the following vote:

## Yeas—16.

Bailey.	King.
Bee.	McCollum.
Buchanan of Scurry.	Page.
Caldwell.	Parr.
Clark.	Smith.
Hall.	Strickland.
Hopkins.	Westbrook.
Johnston of Harris.	Woodward.

## Nays—10.

Alderdice.	Hudspeth.
Buchanan of Bell.	Johnson of Hall.
Dayton.	Lattimore.
Dean.	Robbins.
Floyd.	Suiter.

## Absent.

Henderson.	McNealus.
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## Absent—Excused.

Decherd.

## Pair Recorded.

Senator Gibson (present), who would vote No; Senator Harley (absent), who would vote Aye.

Senator Johnson of Hall offered the following amendment:

Amend the bill by striking out the word "Mifflin" wherever it appears in the bill.

Senator Parr moved to table the amendment, which motion prevailed by the following vote:

## Yeas—14.

Alderdice.	Hopkins.
Bailey.	Hudspeth.
Bee.	Johnston of Harris.
Buchanan of Scurry.	McCollum.
Caldwell.	Page.
Clark.	Parr.
Hall.	Woodward.

## Nays—11.

Buchanan of Bell.	Lattimore.
Dayton.	Robbins.
Dean.	Smith.
Floyd.	Strickland.
Gibson.	Suiter.
Johnson of Hall.	

## Present—Not Voting.

McNealus.

## Absent.

Harley.	King.
Henderson.	Westbrook.

## Absent—Excused.

Decherd.

The bill was then passed to engrossment by the following vote:

## Yeas—18.

Bailey.	King.
Bee.	McCollum.
Buchanan of Scurry.	McNealus.
Caldwell.	Page.
Clark.	Parr.
Dayton.	Smith.
Hall.	Strickland.
Hopkins.	Westbrook.
Johnston of Harris.	Woodward.

## Nays—8.

Alderdice.	Hudspeth.
Buchanan of Bell.	Johnson of Hall.
Dean.	Lattimore.
Floyd.	Suiter.

## Absent.

Henderson.	Robbins.
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## Absent—Excused.

Decherd.

## Pair Recorded.

Senator Gibson (present), who would vote No; Senator Harley (absent), who would vote Aye.

## Reasons for vote.

I vote No because I believe it is

a bad precedent for the Legislature to seek to change the name of any county after the records have been made, regardless of what the name of the county may be.

## SUITER.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 202 put on its third reading and final passage by the following vote:

## Yeas—25.

Alderdice.	Johnston of Harris.
Bailey.	King.
Bee.	Lattimore.
Buchanan of Scurry.	McCollum.
Caldwell.	McNealus.
Clark.	Page.
Dayton.	Parr.
Dean.	Smith.
Floyd.	Strickland.
Gibson.	Suiter.
Hall.	Westbrook.
Hopkins.	Woodward.
Hudspeth.	

## Nays—1.

Johnson of Hall.

## Present—Not Voting.

Buchanan of Bell.

## Absent.

Harley.	Robbins.
Henderson.	

## Absent—Excused.

Decherd.

The bill was laid before the Senate, read third time and passed by the following vote:

## Yeas—21.

Alderdice.	King.
Bailey.	Johnston of Harris.
Bee.	McCollum.
Buchanan of Scurry.	McNealus.
Caldwell.	Page.
Clark.	Parr.
Dayton.	Smith.
Gibson.	Strickland.
Hall.	Westbrook.
Hopkins.	Woodward.
Hudspeth.	

## Nays—6.

Buchanan of Bell.	Johnson of Hall.
Dean.	Lattimore.
Floyd.	Suiter.

## Absent.

Harley.	Robbins.
Henderson.	

## Absent—Excused.

Decherd.

Senator Parr moved to reconsider the vote by which S. B. No. 202 was passed and table the motion to reconsider.

The motion to table prevailed.

## Reasons for vote.

We voted against this bill on engrossment and on final passage, but it was explained that if the bill became a law it was necessary to put it into effect at once in order that the assessment might be made immediately. There were enough votes to pass the bill, but not to put it into effect at once, so we, accordingly, at the request of the author, changed our votes so that it could go into effect at once. We state here now that we are opposed to striking from the map of Texas the name of Willacy. We think it is a bad precedent, and, while we recognize the worth of the Kenedys, who have done a great deal for the moral progress of Southwest Texas, yet, on the other hand, J. G. Willacy has served Texas in various capacities of trust and honor, well and faithfully.

HUDSPETH,  
GIBSON,  
DAYTON.

## Senate Concurrent Resolution No. 13.

(By unanimous consent.)

The Chair laid before the Senate on second reading:

S. C. R. No. 13, Providing for the appointment of a committee to determine, under the Constitution and Laws of Texas, the distinct fields of operation to be pursued by the A. & M. College, the University and the Department of Agriculture, to avoid and eliminate the friction and jealousy existing among said institutions, requesting the Legislature to make appropriations for each institution in the sphere of activities as prescribed by said committee, and to eliminate duplicate and repeating work done by said institutions and providing for each institution to per-



form certain specific acts and things as provided by law.

The committee report, carrying with it the committee substitute, was adopted.

The resolution was then adopted.

#### Senate Bill No. 109.

(By unanimous consent.)

The Chair laid before the Senate on second reading:

S. B. No. 109, A bill to be entitled "An Act to amend Article 2811, Chapter 14, Title 48, Revised Statutes of Texas, 1911, empowering the trustees of any school district upon petition of parents or guardians, to require said trustees to establish and maintain free kindergarten for the training of children between the ages of five and seven years, and to provide for trained kindergarten teachers."

The bill was read second time, and, on motion of Senator Bee, passed to engrossment.

#### Senate Joint Resolution No. 1 as Special Order.

Senator Lattimore asked for unanimous consent to set S. J. R. No. 1 as a special order.

There was objection.

Senator Lattimore moved to suspend the regular order and set S. J. R. No. 1 as a special order at the conclusion of the morning call next Friday.

Pending.

#### Refusal to Recess.

At 12:20 o'clock p. m., Senator King moved to recess until 2:30 o'clock p. m. today.

The motion was lost by the following vote:

Yeas—12.

Bailey.	Hudspeth.
Bee.	Johnston of Harris.
Caldwell.	King.
Clark.	McCollum.
Hall.	Page.
Harley.	Parr.

Nays—17.

Alderdice.	Buchanan of Scurry.
Buchanan of Bell.	Dayton.

Dean.	Robbins.
Floyd.	Smith.
Gibson.	Strickland.
Henderson.	Suiter.
Hopkins.	Westbrook.
Johnson of Hall.	Woodward.
Lattimore.	

Present—Not Voting.

McNealus.

Absent—Excused.

Decherd.

#### Senate Bill No. 187.

(By unanimous consent.)

The Chair laid before the Senate on third reading:

S. B. No. 187, A bill to be entitled "An Act prescribing the number and character of lamps to be carried by automobiles, motor vehicles and motorcycles during certain hours, and to prohibit the use of glaring and dazzling headlights upon automobiles, motor vehicles and motorcycles in use upon the public highways of this State, and providing a penalty for the violation thereof, and declaring an emergency."

The bill was laid before the Senate, read the third time and passed finally.

Senator Caldwell moved to reconsider the vote by which S. B. No. 187 was passed and table the motion to reconsider.

The motion to table prevailed.

#### Recess.

At 12:30 o'clock p. m., on motion of Senator Clark, the Senate recessed until 2:30 o'clock today.

#### After Recess.

(Afternoon Session.)

The Senate was called to order by President Pro Tem. Henderson.

#### Bill Signed.

The Chair, President Pro Tem. Henderson, gave notice of signing, and did sign, in the presence of the

Senate, after its caption had been read, the following bill:

H. B. No. 522, A bill to be entitled "An Act to validate the incorporation of the city of Texas City and to declare valid all acts pertaining to the incorporation of said city, and to declare valid and binding each and every of the official acts of the mayor and city commissioners sitting as a board of commissioners, since the incorporation of said city of Texas City."

(Lieutenant Governor Hobby in the chair.)

#### Senate Bill No. 55 Set as Special Order.

By unanimous consent and on request of Senator Clark, S. B. No. 55 was set as a special order for next Friday at the conclusion of the morning call.

#### Senate Bill No. 223.

(By unanimous consent.)

The Chair laid before the Senate on third reading:

S. B. No. 223, A bill to be entitled "An Act to provide for the purchase and lease of real property by county school trustees of all common school districts, and of those independent school districts having less than 150 scholastics, and by the trustees of all independent school districts having 150 scholastics or more in the State of Texas, by condemnation proceedings for the purpose of furnishing playgrounds and sites upon which to build school houses and for agricultural purposes to be used in connection with said schools."

The bill was laid before the Senate, read third time and passed finally.

#### Messages From the House.

Hall of the House of Representatives, Austin, Texas, February 26, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 502, A bill to be entitled "An Act to amend Article 421 of the Penal Code of the State of Texas; to

further define 'barratry' so as to include the fomenting of litigation for profit and by persons in addition to attorneys at law by soliciting employment or advancing money or other things of value to the parties to litigation in order to procure employment."

H. B. No. 115, A bill to be entitled "An Act to amend Section 5 of an Act entitled 'An Act to create a State Bonded Warehouse System, and to afford a method of co-operative marketing for those engaged in the production of farm and ranch products and for the purpose of effectuating this end and creating a Board of Supervisors of Warehouses; defining the authority of said board and giving it power of visitation over the corporations chartered under the Act., etc., and declaring an emergency.'"

Refused to engross H. B. No. 98; copy of bill herewith transmitted.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

Hall of the House of Representatives, Austin, Texas, February 26, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House Refused to engross H. B. No. 733; copy of bill herewith transmitted.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

#### Bills Read and Referred.

The Chair (Lieutenant Governor Hobby) had referred, after their captions had been read, the following House bills:

H. B. No. 115, referred to the Committee on Agricultural Affairs.

H. B. No. 502, referred to the Committee on Criminal Jurisprudence.

#### Senate Bill No. 361.

(By unanimous consent.)

The Chair laid before the Senate on second reading,

S. B. No. 361, A bill to be entitled "An Act to provide for the erection

of a monument to Lawrence Sullivan Ross on the campus of the Agricultural and Mechanical College; to make an appropriation therefor and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Johnston of Harris, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 361 put on its third reading and final passage by the following vote:

**Yeas—23.**

Bailey.	Johnston of Harris.
Bee.	King.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	McCollum.
Clark.	McNealus.
Dayton.	Page.
Dean.	Parr.
Gibson.	Smith.
Hall.	Strickland.
Harley.	Suiter.
Hopkins.	Woodward.
Johnson of Hall.	

**Absent.**

Alderdice.	Hudspeth.
Caldwell.	Robbins.
Floyd.	Westbrook.
Henderson.	

**Absent—Excused.**

Decherd.

The bill was laid before the Senate, read third time and passed by the following vote:

**Yeas—25.**

Bailey.	Johnson of Hall.
Bee.	Johnston of Harris.
Buchanan of Bell.	King.
Buchanan of Scurry.	Lattimore.
Clark.	McCollum.
Dayton.	McNealus.
Dean.	Page.
Floyd.	Parr.
Gibson.	Smith.
Harley.	Strickland.
Henderson.	Suiter.
Hopkins.	Woodward.
Hudspeth.	

**Absent.**

Alderdice.	Robbins.
Caldwell.	Westbrook.
Hall.	

**Absent—Excused.**

Decherd.

Senator Johnston of Harris moved to reconsider the vote by which S. B. No. 361 was passed and table the motion to reconsider.

The motion to table prevailed.

**Senate Bill No. 416.**

(By unanimous consent.)

The Chair laid before the Senate on second reading,

S. B. No. 416, A bill to be entitled "An Act to aid the Garrison Independent School District in Nacogdoches County in the rebuilding and refurnishing permanent public school buildings destroyed by fire November 17, 1916, by donating and granting to it the State ad valorem and a part of the poll taxes and occupation taxes collected on property and from persons in said Garrison Independent School District for a period of five years, and providing for the manner of collecting, disbursing and receipting for said money, and providing for a penalty for their misapplication, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator King, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 416 put on third reading and final passage by the following vote:

**Yeas—27.**

Alderdice.	Hudspeth.
Bailey.	Johnson of Hall.
Bee.	Johnston of Harris.
Buchanan of Bell.	King.
Buchanan of Scurry.	Lattimore.
Caldwell.	McCollum.
Clark.	McNealus.
Dayton.	Page.
Dean.	Parr.
Floyd.	Smith.
Hall.	Strickland.
Harley.	Suiter.
Henderson.	Woodward.
Hopkins.	



Absent.

Gibson. Westbrock.  
Robbins.

Absent—Excused.

Decherd.

The bill was laid before the Senate, read third time and passed by the following vote:

Yeas—16.

Bee.	Johnston of Harris.
Buchanan of Bell.	King.
Buchanan of Scurry.	McCollum.
Clark.	McNealus.
Floyd.	Page.
Hall.	Parr.
Harley.	Smith.
Hudspeth.	Strickland.

Nays—7.

Alderdice.	Lattimore.
Dean.	Suiter.
Henderson.	Westbrock.
Johnson of Hall.	

Present—Not Voting.

Bailey.

Absent.

Caldwell.	Hopkins.
Dayton.	Robbins.
Gibson.	Woodward.

Absent—Excused.

Decherd.

Senator King moved to reconsider the vote by which S. B. No. 416 was passed and table the motion to reconsider.

The motion to table prevailed.

Reasons for Vote.

I vote "no" on S. B. No. 416 because the same is, in my opinion, unconstitutional.

LATTIMORE.

Senate Bill No. 166.

(By unanimous consent.)

The Chair laid before the Senate on third reading,

S. B. No. 166, A bill to be entitled "An Act to authorize the city council, board of commissioners or city

manager of any city in the State to levy and collect a tax not to exceed five cents on each \$100 of assessed valuation of the city for one year for the purchase and improvement of lands for city parks, and providing for the manner of acquiring lands for park purposes, and providing for the management and control of said city parks, and declaring an emergency."

The bill was laid before the Senate, read third time and passed by the following vote:

Yeas—24.

Alderdice.	Hopkins.
Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Caldwell.	McCollum.
Clark.	McNealus.
Dayton.	Page.
Dean.	Smith.
Floyd.	Strickland.
Hall.	Suiter.
Harley.	Westbrock.

Absent.

Gibson.	Parr.
Henderson.	Robbins.
King.	Woodward.

Absent—Excused.

Decherd.

Senator Smith moved to reconsider the vote by which S. B. No. 166 was passed and table the motion to reconsider.

The motion to table prevailed.

#### Free Conference Committee Report on Senate Bill No. 37.

Committee Room,  
Austin, Texas, Feb. 24, 1917.

Hon. W. P. Hobby, President of the Senate; Hon. F. O. Fuller, Speaker of the House.

Sirs: We, your Free Conference Committee on S. B. No. 37, beg leave to report that we have met and adjusted the difference between the House and the Senate, and recommend to the House and Senate the adoption of the following report, to wit:

Amend the bill by striking out all

after the enacting clause and inserting in lieu thereof the following:

Section 1. That Article 6775, of Chapter 1, of Title 117, of the Revised Civil Statutes of Texas of 1911, be so amended as to hereafter read as follows:

Article 6775. The county clerk or person making such transcript shall be entitled to a reasonable compensation for transcribing, comparing and verifying said records of not to exceed fifteen (15) cents for each one hundred words, the amount of such compensation to be fixed by the commissioners court in the order authorizing and empowering the clerk to transcribe, compare and verify such records; said compensation to be paid out of the county treasury upon warrant issued under the orders of the commissioners court of the newly created county.

Sec. 2. The fact that some of the counties of this State have not their records transcribed at this time and the fact that some of those counties can have same transcribed at less cost than under the present law, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and it is so suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Amend the bill by striking out all before the enacting clause and insert in lieu thereof the following:

A bill to be entitled "An Act to amend Article 6775, Title 117, Chapter 1, of the Revised Civil Statutes of the State of Texas of 1911, relating to the transcribing of county records for new counties so as to authorize a reasonable compensation for such work to be allowed by the commissioners court in the order authorizing such work and to be paid out of the county treasury of the newly created county, and declaring an emergency."

CLARK,  
PARR,  
DAYTON,  
HUDSPETH,  
CALDWELL,

On the part of the Senate.

BRYANT,  
BLACKBURN,  
CANALES,  
HARDY,  
McFARLAND,

On the part of the House.

On motion of Senator Clark, the foregoing report was adopted by the Senate.

#### Senate Concurrent Resolution No. 21.

By Senator McNealus:

Be it resolved by the Senate of Texas, the House of Representatives concurring that the Regular Session of the Thirty-fifth Legislature of Texas be adjourned sine die at 12 o'clock noon on Friday, March 9, 1917.

The resolution was read and laid on the table, subject to call.

#### Senate Bill No. 14.

(By unanimous consent.)

The Chair laid before the Senate on third reading:

S. B. No. 14, A bill to be entitled "An Act to exempt from taxation all public securities issued after this Act takes effect."

The bill was laid before the Senate, read third time and passed finally.

Senator McNealus moved to reconsider the vote by which S. B. No. 14 was passed and table the motion to reconsider.

The motion to table prevailed.

#### Senate Bill No. 356.

(By unanimous consent.)

The Chair laid before the Senate on second reading:

S. B. No. 356, A bill to be entitled "An Act providing that in the event any owner of real estate is dissatisfied with the valuation placed thereon by the board of equalization of any county, municipality, school district or any taxing district, such owner may, if he so desire, offer such property for sale at such price as he may determine is the true market value thereof; that such offer of sale shall be by publication, and providing the manner and length of time of such publication or advertisement; that where more than one tract is contained in such advertisement each tract shall be priced to sell separately; providing that should no sale be made or no bona fide offer of purchase be made at the price men-

tioned in the advertisement within the period advertised the owner may file with the board of equalization his affidavit setting forth the advertisement and whether a sale of such property has been made or he has received a bona fide offer of purchase at the price advertised; prescribing the form of such affidavit; providing that the board may in its discretion hear evidence upon the affidavit and if not controverted it shall be spread upon the minutes; that where there should be a sale at the price offered in such advertisement, or in event of no bona fide offer of purchase, then the price of sale, or the price contained in such advertisement in event of no bona fide offer of purchase, shall be accepted by such board and so entered on the minutes and lists before such board as the value of such property; repealing all laws and parts of laws in conflict herewith; making it a felony for any person to make a false affidavit hereunder or make a pretended transfer of real estate for the purpose of obtaining the benefits hereof, and prescribing the penalty, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Buchanan of Bell, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 356 put on its third reading and final passage by the following vote:

Yeas—23.

Bailey.	Johnston of Harris.
Bee.	Lattimore.
Buchanan of Bell.	McCollum.
Buchanan of Scurry.	McNealus.
Caldwell.	Page.
Dayton.	Parr.
Dean.	Smith.
Floyd.	Strickland.
Harley.	Sulter.
Hopkins.	Westbrook.
Hudspeth.	Woodward.
Johnson of Hall.	

Present—Not Voting.

Hall.

Absent.

Alderdice.	Henderson.
Clark.	King.
Gibson.	Robbins.

Absent—Excused.

Decherd.

The bill was laid before the Senate, read third time and passed finally.

Senator Buchanan of Bell moved to reconsider the vote by which S. B. No. 356 was passed and table the motion to reconsider.

The motion to table prevailed.

### Senate Bill No. 300.

(By unanimous consent.)

The Chair laid before the Senate on second reading:

S. B. No. 300, A bill to be entitled "An Act to regulate the operation of motion picture shows, theaters and places of amusement where motion picture exhibits are given; providing rules and specifications for the construction of booths and the installation of motion picture machines and other devices incident to motion picture shows; providing regulations for the arrangement of auditoriums, audience rooms and halls, and the seats, aisles, exits and lights therein, in which motion pictures are shown; providing for the inspection and licensing of motion picture shows or theaters and fixing fee for such inspection and license, and making it the duty of the fire marshal of the State Fire Insurance Commission to supervise motion picture shows or theaters or places of amusement where motion picture exhibitions are given, to the extent of giving effect to the provisions of this Act, and declaring an emergency."

The committee report, carrying the committee amendments, was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Buchanan of Scurry, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 300 put on its third reading and final passage by the following vote:

Yeas—27.

Alderdice.	Dayton.
Bee.	Dean.
Buchanan of Bell.	Gibson.
Buchanan of Scurry.	Hall.
Caldwell.	Harley.
Clark.	Henderson.



Hopkins.	Page.
Hudspeth.	Parr.
Johnson of Hall.	Smith.
Johnston of Harris.	Strickland.
King.	Suiter.
Lattimore.	Westbrook.
McCollum.	Woodward.
McNealus.	

Present—Not Voting.

Floyd.

Absent.

Bailey. Robbins.

Absent—Excused.

Decherd.

The bill was laid before the Senate, read third time and passed by the following vote:

Yeas—25.

Alderdice.	Johnson of Hall.
Bailey.	Johnston of Harris.
Bee.	Lattimore.
Buchanan of Bell.	McNealus.
Buchanan of Scurry.	Page.
Caldwell.	Parr.
Clark.	Robbins.
Dayton.	Smith.
Dean.	Strickland.
Floyd.	Suiter.
Gibson.	Westbrook.
Hall.	Woodward.
Henderson.	

Present—Not Voting.

Harley.

Absent.

Hopkins.	King.
Hudspeth.	McCollum.

Absent—Excused.

Decherd.

Senator Buchanan of Scurry moved to reconsider the vote by which Senate Bill No. 300 was passed and table the motion to reconsider.

The motion to table prevailed.

Senate Bill No. 405.

(By unanimous consent.)

The Chair laid before the Senate on second reading:

S. B. No. 405, A bill to be entitled

"An Act to authorize the Panhandle and Santa Fe Railway Company to purchase, own and operate the railroad of the South Plains and Santa Fe Railway Company, with its franchises and appurtenances, now and hereafter owned; and the railroad of the North Texas and Santa Fe Railway Company, with its franchises and appurtenances, now and hereafter owned; and until such purchase or purchases is or are made to authorize lease by the Panhandle and Santa Fe Railway Company of the railroad and other properties of said other companies or either of them, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Johnson of Hall, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 405 put on its third reading and final passage by the following vote:

Yeas—25.

Alderdice.	Hudspeth.
Bailey.	Johnson of Hall.
Bee.	Johnston of Harris.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	McCollum.
Caldwell.	McNealus.
Clark.	Page.
Dayton.	Robbins.
Dean.	Smith.
Floyd.	Strickland.
Gibson.	Suiter.
Hall.	Woodward.
Henderson.	

Nays—1.

Westbrook.

Absent.

Harley.	King.
Hopkins.	Parr.

Absent—Excused.

Decherd.

The bill was laid before the Senate, read third time and passed finally.

Senate Bill No. 375.

(By unanimous consent.)

The Chair laid before the Senate on second reading:

S. B. No. 375, A bill to be entitled "An Act to reorganize the Seventh, Fourteenth and Fortieth Judicial Districts and to create the Eighty-fifth Judicial District of Texas, and providing for the appointment of the district judge for said Eighty-fifth Judicial District, and providing for holding the district courts and the terms thereof in the Seventh, Fourteenth, Fortieth and Eighty-fifth Judicial Districts, and providing that all process, recognizances, bail bonds, appeal bonds, and jurors heretofore selected are valid and returnable to first session after this Act takes effect, and validating all judgments and decrees of the said courts, and providing for the continuation of any district court mentioned to the end of its term, and declaring an emergency."

The committee report that the bill be not printed was adopted.

Senator Suiter offered the following amendment, which was read and adopted:

(1) Amend the bill by striking out the words and figures "85" wherever they occur in the body of the bill, and insert "86" instead.

The bill was read second time and passed to engrossment.

On motion of Senator Alderdice, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 375 put on its third reading and final passage by the following vote:

Yeas—26.

Alderdice.	Hudspeth.
Bailey.	Johnson of Hall.
Bee.	King.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	McCollum.
Caldwell.	McNealus.
Clark.	Page.
Dayton.	Parr.
Dean.	Robbins.
Floyd.	Smith.
Hall.	Strickland.
Harley.	Suiter.
Hopkins.	Woodward.

Nays—2.

Gibson.	Westbrook.
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Absent.

Henderson.	Johnston of Harris.
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Absent—Excused.

Decherd.

The bill was laid before the Senate, read third time and passed finally.

### Senate Bill No. 219.

(Pending.)

Senator Lattimore called for pending business, Senate Bill No. 219.

Senator Strickland made the point of order that Senate Bill No. 59 is set for this hour as a special order and will take precedence over Senate Bill No. 219, under Rule No. 12 of the Senate.

The point of order was overruled.

Senator Page made the point of order that by a majority vote of the Senate on last Friday Senate Bill No. 219 was postponed until next Friday and is not now pending business before the Senate.

The Chair (Lieutenant Governor Hobby), overruled the point of order holding that President Pro Tem. Henderson on last Friday declared the motion to postpone was lost, ruling that it required a two-thirds vote to adopt same. The Chair stated that he did not rule upon the merits of the point of order that it requires a two-thirds vote to postpone consideration of a bill.

The Chair laid before the Senate as pending business under a special order

S. B. No. 219, A bill to be entitled "An Act denying to railroad corporations and other common carriers, their representatives and successors, the right to have, claim, justify, vindicate or enforce any power, benefit or privilege given or described in any law of Texas, and denying to any court created by any law of Texas jurisdiction over any cause brought or proposed to be brought by any such corporation, its successors or representatives," etc.

The majority (favorable) committee report was adopted.

Senator Lattimore offered the following:

(1) Amend the bill by striking out of the same the words "March 1, 1917." or the words "the first day of March, 1917," wherever they appear in the caption or body of the bill, and

by inserting in lieu thereof the following, to wit:

In line 16, page 1; lines 14-15, page 7; lines 8-9, page 8; line 10, page 9; lines 24, 25 and 29, page 9, of the printed bill, insert the following words: "forty days after the taking effect of this Act."

Pending discussion, Senator Page made the point of order that Senator Lattimore was discussing the bill and not the amendment.

The Chair requested Senator Lattimore to confine his discussion to the pending amendment and such portions of the bill as affected by the same.

The amendment was adopted.

Senator Page moved to recommit S. B. No. 219, with all proposed amendments to the Committee on State Affairs, with instructions to report by Saturday of this week.

Senator Hudspeth moved to table the motion to recommit.

The motion to table prevailed by the following vote:

Yeas—14.

Alderdice.	Henderson.
Bailey.	Hudspeth.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Lattimore.
Dayton.	McCollum.
Floyd.	Strickland.
Hopkins.	Suiter.

Nays—9.

Bee.	King.
Caldwell.	McNealus.
Gibson.	Page.
Hall.	Smith.
Johnston of Harris.	

Present—Not Voting.

Dean.	Robbins.
Harley.	

Absent.

Woodward.

Pairs Recorded.

Senator Clark (present), who would vote No; Senator Decherd (absent), who would vote Aye.

Senator Parr (present), who would vote No; Senator Westbrook (absent), who would vote Aye.

Senator Lattimore offered the following:

- (2) Amend Senate Bill No. 219:  
(a) By striking out of line 19,

page 1, the word "transportation" and insert in lieu thereof the word "rates."

(b) Insert after the word "commerce," line 19, page 7, the word "rates."

Senator Caldwell offered the following substitute for the second section of the amendment:

Substitute for Section 2 of amendment by also striking out the word "commerce" in line 19, page 7, and insert in lieu thereof the word "rates."

The substitute was adopted.

The amendment as amended was then adopted.

Senator Lattimore offered the following amendment, which was read and adopted:

(3) Strike out of line 26, page 7, of the printed bill all after the word "Texas" and strike out all of lines 27, 28, 29, 30 and 31, of page 7, of the printed bill.

Senator Hall moved that further consideration of S. B. No. 219 be postponed until tomorrow and that he and others be permitted to have proposed amendments printed in the Journal.

Senator Hudspeth moved to table the motion to postpone.

The motion to table prevailed by the following vote:

Yeas—13.

Alderdice.	Hopkins.
Bailey.	Hudspeth.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Lattimore.
Dayton.	Strickland.
Floyd.	Westbrook.
Gibson.	

Nays—11.

Bee.	McNealus.
Caldwell.	Page.
Hall.	Parr.
Harley.	Robbins.
Johnston of Harris.	Woodward.
King.	

Present—Not Voting.

Dean.

Absent.

Henderson.	McCollum.
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Pairs Recorded.

Senator Clark (present), who



would vote "nay"; Senator Decherd (absent), who would vote "yea."

Senator Suiter (present), who would vote "yea"; Senator Smith (absent), who would vote "nay."

Senator Lattimore offered the following:

(4) Insert after the word "commission," line 14, page 9, the words "with respect to intrastate Texas rates."

Pending.

#### Refusal to Adjourn.

At 5:35 o'clock p. m. Senator McNealus moved that the Senate adjourn until 10 o'clock tomorrow.

The motion was lost by the following vote:

Yeas—11.

Bee.	McCollum.
Caldwell.	McNealus.
Hall.	Page.
Harley.	Parr.
Johnston of Harris.	Robbins.
King.	

Nays—15.

Alderdice.	Hopkins.
Bailey.	Hudspeth.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Lattimore.
Dayton.	Strickland.
Dean.	Westbrook.
Floyd.	Woodward.
Gibson.	

Absent.

Henderson.

Pairs Recorded.

Senator Clark (present), who would vote aye; Senator Decherd (absent), who would vote no.

Senator Suiter (present), who would vote no; Senator Smith (absent), who would vote aye.

#### Senate Bill No. 219.

(Pending.)

Action recurred on the amendment of Senator Lattimore, and Senator Clark moved to table the same.

The motion to table was lost by the following vote:

46—Senate.

Yeas—6.

Bee.	Page.
Caldwell.	Parr.
Hall.	Woodward.

Nays—17.

Alderdice.	Hopkins.
Bailey.	Hudspeth.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Dayton.	Lattimore.
Floyd.	McCollum.
Gibson.	Strickland.
Harley.	Westbrook.
Henderson.	

Present—Not Voting.

Dean.	McNealus.
King.	

Absent.

Robbins.

Pairs Recorded.

Senator Clark (present), who would vote aye; Senator Decherd (absent), who would vote no.

Senator Suiter (present), who would vote no; Senator Smith (absent), who would vote aye.

Senator Caldwell offered the following amendment to the pending amendment, which was read and adopted:

Amend the amendment by striking out the word "Texas."

The amendment as amended was then adopted.

Senator Lattimore offered the following amendment:

(5) Insert after the word "Texas," line 25, page 10, of the printed bill, the following words, to wit: "upon grounds defined in this Act."

Pending.

#### Refusal to Adjourn.

Resolved, That the Senate recess until 8 o'clock this evening, when it shall resume business for local and uncontested bills only.

HALL.

As a substitute Senator Clark moved to adjourn until 10 o'clock tomorrow.

The motion to adjourn was lost by the following vote:

## Yeas—11.

Caldwell.	McCollum.
Hall.	McNealus.
Harley.	Page.
Henderson.	Parr.
Johnston of Harris.	Robbins.
King.	

## Nays—16.

Alderdice.	Gibson.
Bailey.	Hopkins.
Bee.	Hudspeth.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Lattimore.
Dayton.	Strickland.
Dean.	Westbrook.
Floyd.	Woodward.

## Pairs Recorded.

Senator Clark (present), who would vote aye; Senator Decherd (absent), who would vote no.

Senator Suiter (present), who would vote no; Senator Smith, (absent), who would vote aye.

Action recurred on the motion to recess and the same was lost by the following vote:

## Yeas—10.

Bee.	King.
Caldwell.	McCollum.
Hall.	McNealus.
Harley.	Page.
Johnston of Harris.	Parr.

## Nays—15.

Alderdice.	Henderson.
Bailey.	Hopkins.
Buchanan of Bell.	Hudspeth.
Buchanan of Scurry.	Johnson of Hall.
Dayton.	Lattimore.
Dean.	Strickland.
Floyd.	Westbrook.
Gibson.	

## Absent.

Robbins.	Woodward.
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## Pairs Recorded.

Senator Clark (present), who would vote aye; Senator Decherd (absent), who would vote no.

Senator Suiter (present), who would vote no; Senator Smith (absent), who would vote aye.

## Senate Bill No. 219.

(Pending.)

Action recurred on the pending amendment to Senate Bill No. 219 and Senator Caldwell offered the following substitute for the same:

Substitute amendment as follows: "under Section 3 of this Act."

Senator Hudspeth moved to table the substitute, which motion prevailed by the following vote:

## Yeas—16.

Alderdice.	Harley.
Bailey.	Henderson.
Bee.	Hopkins.
Buchanan of Bell.	Hudspeth.
Buchanan of Scurry.	Johnson of Hall.
Dayton.	Lattimore.
Floyd.	Strickland.
Gibson.	Westbrook.

## Nays—6.

Caldwell.	Page.
Hall.	Parr.
Johnston of Harris.	Woodward.

## Present—Not Voting.

Dean.	McNealus.
King.	

## Absent.

Robbins.	McCollum.
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## Pairs Recorded.

Senator Clark (present), who would vote no; Senator Decherd (absent), who would vote aye.

Senator Suiter (present), who would vote aye; Senator Smith (absent), who would vote no.

Action then recurred upon the pending amendment, which was adopted by the following vote:

## Yeas—17.

Alderdice.	Hudspeth.
Bailey.	Johnson of Hall.
Buchanan of Bell.	King.
Buchanan of Scurry.	Lattimore.
Caldwell.	Page.
Dayton.	Strickland.
Floyd.	Westbrook.
Gibson.	Woodward.
Hopkins.	

## Nays—3.

Bee.	Parr.
Hall.	

**Present—Not Voting.**

Dean. Johnston of Harris.  
Harley. McNealus.

Absent.

Henderson. Robbins.  
McCollum.

**Pairs Recorded.**

Senator Sulter (present), who would vote aye; Senator Smith (absent), who would vote no.

Senator Clark (present), who would vote no; Senator Decherd (absent), who would vote aye.

Senator Lattimore offered the following amendment:

(6) Amend Senate Bill No. 219 by striking out all of Section 5 thereof, on page 11 of the printed bill, and by renumbering the succeeding sections of the bill so as to conform to this amendment.

Senator Clark moved to table the amendment, which motion was lost by the following vote:

Yeas—6.

Caldwell. Page.  
Hall. Parr.  
Harley. Woodward.

Nays—15.

Alderdice. Hopkins.  
Bailey. Hudspeth.  
Bee. Johnson of Hall.  
Buchanan of Bell. Johnston of Harris.  
Buchanan of Scurry. Lattimore.  
Dayton. Strickland.  
Floyd. Westbrook.  
Gibson.

**Present—Not Voting.**

Dean. McNealus.

Absent.

Henderson. McCollum.  
King. Robbins.

**Pairs Recorded.**

Senator Sulter (present), who would vote "nay"; Senator Smith (absent), who would vote "yea."

Senator Clark (present), who would vote "yea"; Senator Decherd (absent), who would vote "nay."

**Refusal to Adjourn.**

At 6:10 o'clock Senator Page moved to adjourn until 10 o'clock tomorrow.

The motion was lost by the following vote:

Yeas—9.

Caldwell. McNealus.  
Hall. Page.  
Harley. Parr.  
Johnston of Harris. Woodward.  
King.

Nays—15.

Alderdice. Gibson.  
Bailey. Hopkins.  
Bee. Hudspeth.  
Buchanan of Bell. Johnson of Hall.  
Buchanan of Scurry. Lattimore.  
Dayton. Strickland.  
Dean. Westbrook.  
Floyd.

Absent.

Henderson. Robbins.  
McCollum.

**Pairs Recorded.**

Senator Sulter (present), who would vote "nay"; Senator Smith (absent), who would vote "yea."

Senator Clark (present), who would vote "yea"; Senator Decherd (absent), who would vote "nay."

**Senate Bill No. 219.**

(Pending.)

Action recurred on the pending amendment and the same was adopted.

Senator Lattimore offered the following amendment:

(7) Amend Senate Bill 219, page 11, Section 4 thereof, by striking out the words "ex parte," in lines 1 and 2, and insert in lieu thereof the words "after five days' notice," and also by striking out the words "ex parte" in line 9, and also striking out all of Section 4, after the word "nature," in line 10, down to and including the word "hearing," in line 21, and insert in lieu of the language thus stricken out the following: "provided, however, that an appeal from an order appointing a receiver shall not have the effect to suspend the operation or execution of said order pending such appeal."

Senator Dayton offered the following substitute for the pending amendment:

Amend Senate Bill No. 219 by striking out Section 4 and inserting in lieu thereof the following:

Sec. 4. In any suit brought to forfeit the charter and franchises of any such corporation by the State of Texas, the court may, after final judgment in such cause, upon the application of the Attorney General or any party to said cause, if deemed necessary to the proper operation of the properties of such corporation, appoint a receiver or receivers thereof in accordance with the uses and practices of equity in such cases. But no such appointment shall be made without notice and hearing, nor shall any such receiver or receivers be appointed in any case until after final conviction of guilty adjudging the forfeiture and dissolution of such corporation.

Pending.

#### Recess.

At 6:45 o'clock, on motion of Senator Lattimore, the Senate recessed until 10 o'clock tomorrow morning.

#### After Recess.

(Tuesday, February 27, 1917.)

The Senate was called to order at 10 o'clock a. m. by Lieutenant Governor Hobby.

#### Senate Bill No. 219.

(Pending.)

Action recurred on the substitute amendment of Senator Dayton for the pending amendment of Senator Lattimore to Senate Bill No. 219.

Pending.

#### Message from the House.

Hall of the House of Representatives,  
Austin, Texas, February 27, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the report of the Free

Conference Committee on Senate Bill No. 37.

H. C. R. No. 19 granting leave of absence from the State to Hon. P. O. Beard, Judge of the Seventy-first Judicial District.

Respectfully,

BOB BARKER,  
Chief Clerk, House of Representatives.

#### Senate Bill No. 309 Recommitted.

On motion of Senator McNealus Senate Bill No. 309 was recommitted to the Committee on Internal Improvements.

#### House Concurrent Resolution No. 19

The Chair laid before the Senate H. C. R. No. 19, granting leave of absence from the State to Hon. P. O. Beard, Judge of the Seventy-first Judicial District.

On motion of Senator Lattimore the Senate concurred in the resolution.

#### Bills and Resolutions.

(By unanimous consent.)

By Senator McCollum:

S. B. No. 436, A bill to be entitled "An Act to reorganize the Twentieth Judicial District of Texas and to create the Eighty-third Judicial District of Texas; to fix the time of holding court in said districts and to provide for organizing grand juries at certain terms in said courts; to provide for the retention of the judge of the Twentieth Judicial District in office and for the appointment of a judge of the said Eighty-third Judicial District and to abolish the office of district attorney for the said Twentieth Judicial District, and to provide for the county attorneys of the said three counties of Milam, Robertson and Brazos shall perform the duties of the district attorney for said district; providing for the retention of the district clerks of said three counties in office; to diminish the civil and criminal jurisdiction of the county courts of Robertson and Brazos counties and to conform the jurisdiction of the district court of said counties to said change; providing for the appointment of an official



court reporter and to fix his compensation; to repeal all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

### Refusal to Recess.

At 12:30 o'clock p. m. Senator McNealus moved that the Senate adjourn until 2:25 p. m. today.

As a substitute Senator Lattimore moved that the Senate recess until 2:26 o'clock today.

The motion to recess was lost by the following vote:

### Yeas—12.

Bailey.	Lattimore.
Buchanan of Bell.	McCollum.
Floyd.	Robbins.
Hopkins.	Strickland.
Hudspeth.	Suiter.
Johnson of Hall.	Westbrook.

### Nays—13.

Bee.	Johnston of Harris.
Caldwell.	King.
Dean.	McNealus.
Gibson.	Page.
Hall.	Parr.
Harley.	Woodward.
Henderson.	

### Present—Not Voting.

Dayton.

### Absent.

Alderdice.

### Pairs Recorded.

Senator Clark (present), who would vote no; Senator Decherd (absent), who would vote aye.

Senator Burchanan of Scurry (present), who would vote no; Senator Smith (absent), who would vote aye.

### Adjournment.

At 12:35 o'clock p. m. on motion of Senator McNealus, the Senate adjourned until 2:20 o'clock p. m. Tuesday, February 27, 1917, by the following vote:

### Yeas—14.

Bee.	Floyd.
Caldwell.	Gibson.

Hall.	McNealus.
Harley.	Page.
Henderson.	Parr.
Johnston of Harris.	Robbins.
King.	Woodward.

### Nays—10.

Bailey.	Johnson of Hall.
Buchanan of Bell.	Lattimore.
Dean.	Strickland.
Hopkins.	Suiter.
Hudspeth.	Westbrook.

### Present—Not Voting.

Dayton.

### Absent.

Alderdice.

McCollum.

### Pairs Recorded.

Senator Clark (present), who would vote aye; Senator Decherd (absent), who would vote no.

Senator Buchanan of Scurry (present), who vote no; Senator Smith (absent), who would vote aye.

## APPENDIX.

### Petitions and Memorials.

Senator McNealus offered a numerous signed petition favoring an Act to provide for a State children's hospital at Galveston.

Senator King offered three very numerous signed petitions protesting against the car shed bill.

Senator Hall presented a memorial from the Galveston Grade Raising Association, thanking the Legislature for the ten-year extension of the law donating State taxes in Galveston.

### Telegrams.

Washington, D. C.,

3:40 p. m., February 23, 1917.

Hon. I. E. Clark, or Hon. J. C. Murrell and others, Austin, Texas.

Under ordinary circumstances I would receive an invitation from the Legislature of Texas, as a command to which I would yield a cheerful obedience, but knowing as I do that the rule of our State is that every man must discharge the duties which he has undertaken, I am sure that it will be accepted as a sufficient excuse for me to say that matters which

require my attention here render it impossible for me to leave at this time. Please express my grateful appreciation to your respective houses.

J. W. BAILEY.

Miami, Fla., February 23, 1917.

Senator C. R. Floyd, Austin, Texas.

Telegram just received, via Lincoln. Greatly appreciate invitation to address joint session of Texas Legislature, but fear it will be impossible to accept. When will the Legislature adjourn?

W. J. BRYAN.

The White House,

Washington, February 17, 1917.

Hon. John D. McCall, Secretary of the Senate, Austin, Texas.

My Dear Mr. McCall: Let me thank you for your kind letter of the 7th of February, and for your courtesy in sending me the copy of Senate Concurrent Resolution No. 12, adopted by the Legislature of Texas. I deeply appreciate this generous action, and I hope you will so assure the members of the two Houses.

Cordially and sincerely yours,  
WOODROW WILSON.

#### Engrossing Committee Reports.

Committee Room,

Austin, Texas, February 26, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 361 carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

Committee Room,

Austin, Texas, February 26, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 109 carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

Committee Room,

Austin, Texas, February 26, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 202

carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

Committee Room,

Austin, Texas, February 26, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 405 carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

Committee Room,

Austin, Texas, February 26, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 375 carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

Committee Room,

Austin, Texas, February 26, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 416 carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

Committee Room,

Austin, Texas, February 26, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 356 carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

#### Committee Reports.

Committee Room,

Austin, Texas, Feb. 26, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Internal Improvements, to whom was referred

S. B. No. 309, A bill to be entitled "An Act to amend an Act of the Thirty-third Legislature, page 116, entitled, 'An Act for the relief of railway corporations having charters granted or amended since the first day of January, 1892, and which have failed, or about to fail, to con-

struct their roads and branches, or any part thereof within the time required by law, and declaring an emergency,' so as to relieve railway corporations having charters dated since January 1, 1892, and declaring an emergency."

Have had the same under consideration, and beg to report it back to the Senate, with the recommendation that it do pass.

JOHNSON, Chairman.

Committee Room,  
Austin, Texas, February 26, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Rules having had House Concurrent Resolution No. 18 under consideration, beg to report same back to the Senate, with the recommendation that it do pass, with the following amendments:

Amend House Concurrent Resolution No. 18 so as to provide for 500 copies of the Texas Legislative Manual of the Thirty-fifth Legislature, of which 250 copies are to be bound in flexible morocco covers, apportioned as follows: 175 copies to the House of Representatives and 75 copies to the Senate. And providing for 250 extra paper bound copies printed, 175 of which are to be turned over to the Secretary of State and 75 copies to the State Library; further, that 75 copies of the paper bound volumes so delivered to the Secretary of State are to be preserved by him for the use of new members elected to the Thirty-sixth Legislature; and provided further, that 19 copies of the manual for the Senate be bound without embossing any name on same.

KING, Chairman.

Committee Room,  
Austin, Texas, February 26, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred

S. B. No. 408, A bill to be entitled "An Act to amend Article 7355, Chapter 1, Title 126 of the Revised Civil Statutes of Texas, 1911, by adding thereto Section 41 so as to exempt hobby horses, theatres, circuses, menageries, acrobatic performances, wax works and other forms of en-

tertainment from an occupation tax when such hobby horses, theatres, circuses, menageries, acrobatic performances, sleight of hand performances, wax works and other amusements or entertainments are operated in connection with and under the auspices of and for the benefit of county and district agricultural fairs, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate, with the recommendation that it do pass.

McCOLLUM, Chairman.

(Floor Report.)

Senate Chamber,  
Austin, Texas, February 26, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 417, A bill to be entitled "An Act creating the Aspermont Independent School District in Stone-wall County, Texas; defining its metes and bounds; vesting it with rights, powers, duties and privileges of independent school districts incorporated for free school purposes under the General Laws of this State, etc., and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate, with the recommendation that it do pass, and be not printed.

Bee, Chairman; Smith, Buchanan of Scurry, Johnson, Page, Dean, Alderdice, Bailey, Gibson.

(Floor Report.)

Senate Chamber,  
Austin, Texas, February 23, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 645; A bill to be entitled "An Act creating and incorporating the Florence Independent School District, in Williamson County, Texas, including the present Florence Independent School District; defining its metes and bounds; placing said Florence Independent School District under the operation of the General Laws of Texas; providing a board

of school trustees for the management and control of the schools thereof; providing that the board of trustees of the present Florence Independent School District shall continue to act as such until their successors are elected and qualified, as provided by the General Laws of Texas; providing that all outstanding indebtedness, including bonds of the present Florence Independent School District, shall not be invalidated by this Act, and declaring an emergency."

Have had the same under consideration, and beg leave to report the same back to the Senate, with the recommendation that it do pass, and be not printed.

Bee, Chairman; Gibson, Lattimore, Johnson, Page, Buchanan of Scurry, Floyd, Alderdice, Bailey, Harley, Robbins, Dayton.

(Floor Report.)

Senate Chamber,  
Austin, Texas, February 26, 1917.  
Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred

S. B. No. 432, A bill to be entitled "An Act to amend Article 6292 of the Revised Civil Statutes of the State of Texas for 1911; prescribing the fees that may be charged by the Texas State Board of Pharmacy,"

Have had the same under consideration, and beg to report it back to the Senate, with the recommendation that it do pass, and be not printed.

McNealus, Chairman; Clark, Bee, Smith, Strickland.

(Floor Report.)

Senate Chamber,  
Austin, Texas, Feb. 26, 1917.  
Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 433, A bill to be entitled "An Act to amend Sections 6 and 6a of an Act to reorganize the Twenty-eighth Judicial District of the State of Texas, and to create a criminal district court for the counties of Nueces, Kleberg, Willacy and Cameron, being known as Senate Bill No. 330, passed by the Thirty-fifth Legislature and approved February 26,

1917, and to conform all writs and processes from such court to such changes, including recognizances and bonds, and to repeal all laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass, but be not printed.

Buchanan of Scurry, Chairman; Hall, Parr, Henderson, Clark.

(Floor Report.)

Senate Chamber,  
Austin, Texas, Feb. 26, 1917.  
Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 424, A bill to be entitled "An Act to amend Chapter 69 of the Special Laws passed at the Regular Session of the Thirty-second Legislature, 1911, and approved by the Governor on March 23, 1911, being an Act entitled 'An Act incorporating the Winnsboro Independent School District in Wood and Franklin counties, Texas, for free school purposes only, defining its boundaries and providing for a board of trustees, divesting the city of Winnsboro of the control of its public schools and title to school property and vesting the same in said Winnsboro Independent School District and its board of trustees, prescribing the rights, powers, privileges and duties of said Winnsboro Independent School District and its board of trustees, and declaring an emergency,' by more clearly defining its boundaries, and providing the date on which the fiscal year begins and ends and the date on which taxes unpaid shall become delinquent, and declaring an emergency,"

Have had the same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass, but be not printed.

Bee, Chairman; Bailey, Lattimore, Johnson of Hall, Dayton, Gibson, Buchanan of Scurry, Alderdice, Harley, Floyd, Page, Robbins.



## (Floor Report.)

Senate Chamber,  
Austin, Texas, Feb. 26, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

H. B. No. 653, A bill to be entitled "An Act to create a special road law for Cherokee County and providing for levying and collecting a road tax, authorizing the commissioners court of said county to employ road superintendents and laborers on the public roads thereof, and declaring an emergency,"

Have had the same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass, but be not printed.

Caldwell, Chairman; Gibson, Buchanan of Scurry, Clark, Strickland, Floyd.

## (Floor Report.)

Senate Chamber,  
Austin, Texas, Feb. 26, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

H. B. No. 536, A bill to be entitled "An Act creating a new road law for Travis County, and declaring an emergency."

Have had the same under consideration, and beg leave to report the same back to the Senate, with the recommendation that it do pass, and be not printed.

Caldwell, Chairman; Gibson, Buchanan of Scurry, Clark, Strickland, Floyd.

## (Floor Report.)

Senate Chamber,  
Austin, Texas, Feb. 26, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

S. B. No. 430, A bill to be entitled "An Act to amend Special Road Law of Morris County, passed by the Thirty-first Legislature and amended at the Regular Session of the Thirty-fourth Legislature, and creating a

more efficient road law for Morris County,"

Have had the same under consideration, and beg leave to report the same back to the Senate, with the recommendation that it do pass, and be not printed.

Caldwell, Chairman; Gibson, Buchanan of Scurry, Clark, Strickland, Floyd.

## (Floor Report.)

Senate Chamber,  
Austin, Texas, Feb. 26, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

H. B. No. 542, A bill to be entitled "An Act to amend Section 2, Chapter 30, of the Special Laws of the Thirty-first Legislature, as amended by Special Laws of the Thirty-second Legislature, being: 'An Act to create a road commission for Jones, Haskell and Taylor counties'."

Have had the same under consideration, and beg leave to report the same back to the Senate, with the recommendation that it do pass, and be not printed.

Caldwell, Chairman; Gibson, Buchanan of Scurry, Clark, Strickland, Floyd.

## (Floor Report.)

Senate Chamber,  
Austin, Texas, Feb. 26, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

H. B. No. 610, A bill to be entitled "An Act to amend Section 3, of House Bill No. 647, Chapter 136, of the Special Law passed at the Regular Session of the Thirty-third Legislature relating to Tarrant County road system; providing for the raising of the salaries of county commissioners of said county from \$2,000 to \$2,400 per annum, and making it the duty of said commissioners to furnish their own conveyance while performing the duties of road commissioner and defray the expense of upkeep of same, and declaring an emergency."

Have had the same under consid-

eration, and beg leave to report the same back to the Senate, with the recommendation that it do pass, and be not printed.

Caldwell, Chairman; Gibson, Buchanan of Scurry, Clark, Strickland, Floyd.

(Floor Report.)

Senate Chamber,  
Austin, Texas, Feb. 23, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

H. B. No. 612, A bill to be entitled "An Act to create a more efficient road, bridges and culvert system for Houston County; to create the office of road superintendent for said county and providing for his election; to prescribe the duties and define the powers of said road superintendent; to subtract from the powers of the commissioners court in the matter of managing and controlling the public roads, bridges and culverts of said county; fixing the amount of the salary of the road superintendent and also the wages of his assistants; providing for the manner in which all claims against the road, bridge and culvert funds shall be prepared and allowed; forbidding the issuance of deficiency warrants against said funds by the commissioners court of said county; providing for the classification of the bridges of said county, providing the manner of constructing bridges of the first class; and providing an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate, with the recommendation that it do pass, and be not printed.

Caldwell, Chairman; Gibson, Buchanan of Scurry, Clark, Strickland, Floyd.

(Floor Report.)

Senate Chamber,  
Austin, Texas, May 26, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

H. B. No. 573, A bill to be entitled "An Act creating a more efficient road system for Dickens County,

Texas, and making county commissioners ex officio road commissioners of their respective precincts; and prescribing their powers and duties as such; and providing for the compensation of such road commissioners; and providing for the purchase of materials for the construction and maintenance of roads and bridges, and providing for the payment for such materials; and prescribing certain duties for road overseers providing a compensation of two dollars (\$2) per day for overseers for each day's service per year in excess of five days; providing certain duties for county treasurer; providing that any person liable for road duty any year shall be exempt upon the payment of three dollars (\$3) into the county treasury; providing for money payment in lieu of work after summons and before date of work; providing that this Act is cumulative of the General Laws, and fixing penalty; and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate, with the recommendation that it do pass, and be not printed.

Caldwell, Chairman; Gibson, Buchanan of Scurry, Clark, Strickland, Floyd.

(Floor Report.)

Senate Chamber,  
Austin, Texas, February 26, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred

H. B. No. 48, A bill to be entitled "An Act for the protection of stock raisers, farmers and horticulturists, providing for the destruction of wolves and other wild animals; to make an appropriation therefor, to repeal all laws and parts of laws in conflict therewith, and declaring an emergency,"

Have had the same under consideration, and beg to report it back to the Senate, with the recommendation that it do pass, but be not printed, except in the Journal.

Clark, Chairman; Buchanan of Bell, Floyd, Parr, Hudspeth, Dean, Johnson.

By Metcalfe.

H. B. No. 48.

A BILL  
To Be Entitled

An Act for the protection of stock raisers, farmers and horticulturists; providing for the destruction of wolves and other wild animals; to make an appropriation therefor; to repeal all laws and parts of laws in conflict herewith, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That hereafter when any person shall kill in this State any wolf, wildcat or jackrabbit he shall be paid the sum of \$2.00 for each wolf, and \$1.00 for each wildcat, and 5 cents for each jackrabbit so killed.

Sec. 2. The scalps of said animals so killed shall be presented by the person or persons having killed said animals in person to the commissioners court of the county in which said animal or animals were killed, accompanied by a written affidavit made before the county judge of said county, or any other officer authorized to administer oaths, stating where and when he killed said animal, and the kind of each; that affiant in person and no other killed said animal or animals, and such affidavit shall, when demanded by the county commissioners' court, be accompanied by a certificate signed by the owner or lessee of the land upon which said animal or animals were killed to the effect that such animals were killed upon such land.

Sec. 3. Such scalps shall consist of the scalp and both ears so that the court may sufficiently identify the class of animal so killed; the court may in all cases when it is not satisfied as to the sufficiency of the evidence before it under this Act, reject any and all claims; the commissioners' court shall immediately take and pass upon said scalp and burn all jackrabbit scalps, and shall split each ear of all wolf and wildcat scalps, but in no case shall any commissioners' court in this State be authorized under this Act to issue warrant for bounty on any scalp when presented with either ear of same disfigured in the least, cut, split, or any defect

whatever, except such cut, split or defect that may have been caused in shooting, trapping or killing the animal, and said commissioners' court shall issue certificates signed by at least three members of said court, and attested by the signature of the clerk of said court, and under the seal of said court, showing the kind of animal killed and the number of each and the name of the party who killed same, and the amount due such party. The clerk of the county court shall issue warrant on the county treasurer for the amount specified and payable to the party named in such certificate.

Sec. 4. It shall be the duty of the commissioners' court of the several counties of this State, at each regular session of each year, to make an itemized statement showing the several amounts paid, to whom and when paid, by order of said court under the provisions of this Act; said statement shall be entered upon the minutes of said court and a certified copy of such statement shall be entered upon the minutes of said court and a certified copy of such statement shall be transmitted by the clerk of said court to the Comptroller of the State. Upon the receipt of said certified copy by the Comptroller it shall be his duty to draw his warrant upon the State Treasurer for one-half of the aggregate amount paid out by such county, under the provisions of this Act, as shown by said certified copy of statement, payable to the treasurer of said county, which said amount when received by said county treasurer, shall be by him credited to the fund of the third class of said county.

Sec. 5. All laws and parts of laws in conflict herewith are hereby repealed, provided that nothing herein contained shall permit any person to enter on the enclosed or posted premises of another for the purpose of trapping or otherwise catching or trapping in any enclosure less than 2000 acres, but may be permitted to trap in pastures over that amount, provided they shall not carry firearms into such enclosure, and any one caught with firearms in such enclosure for the purpose of trapping shall be fined in any sum not less than \$25.00.

Sec. 6. And the sum of one hun-

dred thousand dollars (\$100,000) to be used for the first year, and one hundred thousand dollars (\$100,000) to be used for the second year, is hereby appropriated out of any money in the State Treasury not otherwise appropriated for the payment of the above named bounties.

Sec. 7. The fact that there is now no law providing for the extermination of wild animals, including jack-rabbits, that prey upon livestock and depredate upon the farms, gardens and orchards of the farmers and horticulturists, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Engrossed Rider to House Bill  
No. 48.

Amend House Bill No. 48 by striking out Sections 4 and 6.

Amend House Bill No. 48 by substituting the following for Section 6:

Sec. 6. And the sum of one hundred thousand dollars (\$100,000) to be used for the year ending August 31, 1918, and one hundred thousand dollars (\$100,000) for the year ending August 31, 1919, is hereby appropriated out of any money in the State Treasury not otherwise appropriated for the above named bounties.

#### Enrolling Committee Reports.

Committee Room,  
Austin, Texas, February 26, 1917.  
Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 235, and find it correctly enrolled, and have this day, at 10:52 o'clock a. m., presented same to the Governor for his approval.

SMITH, Chairman.

Committee Room,  
Austin, Texas, February 26, 1917.  
Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 251, and

find it correctly enrolled and have this day at 9:57 o'clock a. m. presented the same to the Governor for his approval.

SMITH, Chairman.

Committee Room,  
Austin, Texas, February 26, 1917.  
Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 284, and find it correctly enrolled, and have this day at 9:57 o'clock a. m. presented the same to the Governor for his approval.

SMITH, Chairman.

Committee Room,  
Austin, Texas, February 26, 1917.  
Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 225, and find it correctly enrolled, and have this day at 10:52 o'clock a. m. presented the same to the Governor for his approval.

SMITH, Chairman.

Committee Room,  
Austin, Texas, February 26, 1917.  
Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 322, and find it correctly enrolled, and have this day at 10:52 o'clock a. m. presented same to the Governor for his approval.

SMITH, Chairman.

Committee Room,  
Austin, Texas, February 26, 1917.  
Hon. W. P. Hobby, President of the Senate.

Sir Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 355, and find it correctly enrolled, and have this day at 10:52 o'clock a. m. presented same to the Governor for his approval.

SMITH, Chairman.

By Caldwell, Gibson. S. B. No. 355.

An Act declaring that all bonds issued under and by virtue of the Federal Farm Loan Act, approved by the President of the United



States July 17, 1916, shall be lawful investment for all fiduciary and trust funds, and may be accepted as security for all public deposits where deposits of bonds or mortgages are authorized by law to be accepted; declaring such bonds lawful investment for all funds which may be lawfully invested by guardians, administrators, trustees and receivers, for savings departments of the State banks, for banks, savings banks, and trust companies chartered under the laws of Texas; for all insurance companies chartered or transacting business under the laws of Texas where investments are required or permitted, and providing that where such bonds are secured by notes or other obligations the payment of which is secured by mortgage, deed of trust or other valid lien upon real estate situated in the State, then that such bond or bonds shall be regarded for investment purposes by insurance companies as Texas securities, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That hereafter all bonds issued under and by virtue of the Federal Farm Loan Act, approved by the President of the United States July 17, 1916, which is "An Act to provide capital for agricultural development, to create standard forms of investment based upon farm mortgages; to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create Government depositaries and financial agents for the United States, and for other purposes," shall hereafter be lawful investment for all fiduciary and trust funds in this State and may be accepted as security for all public deposits where deposits of bonds or mortgages are authorized by law to be accepted; such bonds shall be lawful investment for all funds which may be lawfully invested by guardians, administrators, trustees and receivers, for savings departments of banks incorporated under the laws of Texas, for banks, savings banks and trust companies chartered under the laws of Texas, and for all insurance

companies of every kind and character chartered or transacting business under the laws of Texas, where investments are required or permitted by the laws of this State; provided, further, that where such bonds are issued against and secured by promissory notes or other obligations, the payment of which is secured by mortgage, deed of trust or other valid lien upon real estate situated in this State, then such bond or bonds so issued and so secured shall be regarded for investment purposes by insurance companies as "Texas securities," within the meaning of the laws of this State governing such investments.

Sec. 2. The importance of permitting the investment of the funds above referred to in the bonds to be issued under the Federal Farm Loan Act, the crowded condition of the calendar, and the near approach of the end of the present session of the Legislature, create an emergency and an imperative public necessity demanding that the constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended, and that this Act take effect from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, February 26, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 330, and find it correctly enrolled, and have this day at 10:52 o'clock a. m. presented same to the Governor for his approval.

SMITH, Chairman.

By Parr.

S. B. No. 330.

An Act to reorganize the Twenty-eighth Judicial District of the State of Texas, and to create a criminal district court for the Counties of Nueces, Kleberg, Willacy and Cameron, and to prescribe the jurisdiction thereof as a criminal court; and also conferring upon said court the power to try and determine divorce causes, and causes for the collection of delinquent taxes, to fix the time for holding the terms thereof; to provide for the appointment and

election of the judge thereof; to provide for the sheriff, clerk and attorney thereof, and their election; to limit and conform thereto the jurisdiction of the court of the Twenty-eighth Judicial District of the State of Texas; to conform and validate all writs, processes, bonds, recognizances and drawing of petit and grand juries of such courts to the changes made herein, and to define the jurisdiction of the district court of the Twenty-eighth Judicial District of Texas; to repeal all laws and parts of laws in conflict herewith, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That there is hereby created and established for the Counties of Nueces, Kleberg, Willacy and Cameron a criminal district court, which shall have and exercise all of the criminal jurisdiction now vested in and exercised by the district court of the Twenty-eighth Judicial District of Texas and said criminal district court shall try and determine all causes for divorce between husband and wife and adjudicate property rights in connection therewith in said counties, and try and determine all causes for the collection of delinquent taxes and the enforcement of liens for the collection of same. All appeals from the judgments of said court shall be to the Court of Criminal Appeals, except appeals in divorce cases and suits for the collection of delinquent taxes, which shall be to the Court of Civil Appeals, under the same rules and regulations as now and may hereafter be provided by law for the appeals in criminal cases from district courts.

Sec. 2. From and after the time when this Act shall take effect, the district court of the Twenty-eighth Judicial District composed of the Counties of Nueces, Kleberg, Willacy and Cameron shall cease to have and exercise any criminal jurisdiction in either of said counties and shall cease to have and exercise any jurisdiction of divorce cases in either of said counties, and shall cease to have and exercise any jurisdiction of suits for the collection of any delinquent taxes or the enforcement of liens for same; provided, however, that if there shall be any criminal

case on trial in the Twenty-eighth District Court when this Act shall go into effect, such district court shall retain jurisdiction of such case until such trial shall be concluded and until appeal therein shall be perfected, if an appeal shall be made therein; and provided further, that nothing in this Act shall affect the jurisdiction of the Twenty-eighth District Court to pronounce sentence in any criminal case tried in such court before this Act takes effect, or which shall be on trial when this Act goes into effect.

Sec. 3. The judge of said criminal district court for the Counties of Nueces, Kleberg, Willacy and Cameron shall be elected by the qualified voters of said counties for a term of four years, and shall hold his office until his successor shall have been duly elected and qualified. He shall possess the same qualifications as are required of the judge of the district court, and shall receive the same salary as is now or may hereafter be paid to district judges, to be paid in like manner. He shall have and exercise all the powers and duties now or hereafter to be vested in or exercised by district judges in criminal cases. The judge of said court may exchange with any district judge, as provided by law in cases of district judges; and in case of disqualification or absence of the judge, a special judge may be selected, elected or appointed as provided by law in cases of district judges; provided that the Governor, by and with the consent of the Senate, shall, immediately upon this Act taking effect, appoint a judge of said court, who shall hold the office until the next general election after the passage of this Act, and until his successor shall have been elected and qualified.

Sec. 4. The sheriff and clerk of the district court of Nueces County, as now provided by law, shall be the sheriff and clerk, respectively, of said criminal district court of Nueces County; and the sheriff and clerk of the district court of Kleberg County, as now provided by law, shall be the sheriff and clerk, respectively, of the criminal district court of Kleberg County; and the sheriff and clerk of the district court of Willacy County, as now provided by law,

shall be the sheriff and clerk, respectively, of the criminal district court of Willacy County; and the sheriff and clerk of the district court of Cameron County, as now provided by law, shall be the sheriff and clerk, respectively, of said criminal district court in Cameron County; and the district attorney of the Twenty-eighth Judicial District, elected and now acting for said district, shall be district attorney for said criminal district court in the Counties of Nueces, Kleberg, Willacy and Cameron, and shall hold his office until the time for which he has been elected district attorney for the Twenty-eighth Judicial District of Texas shall expire, and until his successor is duly elected and qualified; and there shall be elected for two years, beginning with the next general election after this Act takes effect, a district attorney for said criminal district court, whose powers and duties shall be the same as other district attorneys; and said clerk, sheriff and district attorney shall, respectively, receive such fees and salaries as are now or may hereafter be prescribed by law for such officers in the district courts of the State of Texas, to be paid in the same manner.

Sec. 5. Said criminal district court shall have a seal in like design as the seal now prescribed by law for district courts, except for Nueces County, the words "Criminal District Court of Nueces County, Texas" shall be engraved around the margin thereof; and for Kleberg County, the words "Criminal District Court of Kleberg County, Texas" shall be engraved around the margin thereof; and for Willacy County the words "Criminal District Court of Willacy County, Texas," shall be engraved around the margin thereof; and for Cameron County the words "Criminal District Court of Cameron County, Texas," shall be engraved around the margin thereof.

Sec. 6. The terms of said criminal district court shall be held in said district each year as follows:

In the County of Nueces, on the first Monday in April of each year, and may continue in session ten weeks; on the first Monday in October in each year, and may continue in session ten weeks.

In the County of Kleberg, on the tenth Monday after the first Monday in April of each year, and may continue in session four weeks; on the tenth Monday after the first Monday in October, and may continue in session four weeks.

In the County of Willacy, on the fourteenth Monday after the first Monday in April of each year, and may continue in session two weeks; on the fourteenth Monday after the first Monday in October, and may continue in session two weeks.

In the County of Cameron, on the sixteenth Monday after the first Monday in April of each year, and may continue in session nine weeks; on the sixteenth Monday after the first Monday in October, and may continue in session nine weeks.

Provided, however, that the first terms of the first court of said criminal judicial district shall begin on the first Monday after the qualification of the judge appointed by virtue of this Act, according to the place and terms of holding said court as provided herein.

Sec. 6a. The Twenty-eighth Judicial District of the State of Texas shall be composed of the Counties of Nueces, Kleberg, Willacy and Cameron, and the terms of the district court shall be held therein each year as follows:

In the County of Nueces, on the first Monday in January, and may continue in session ten weeks; on the first Monday in July, and may continue in session ten weeks.

In the County of Kleberg, on the tenth Monday after the first Monday in January, and may continue in session four weeks; on the tenth Monday after the first Monday in July, and may continue in session four weeks.

In the County of Willacy, on the fourteenth Monday after the first Monday in January, and may continue in session two weeks; on the fourteenth Monday after the first Monday in July, and may continue in session two weeks.

In the County of Cameron, on the sixteenth Monday after the first Monday in January, and may continue in session nine weeks; on the sixteenth Monday after the first Monday in July, and may continue in session nine weeks.



That all process, writs, and bonds issued, served or executed prior to the taking effect of this Act and returnable to the terms of said court as heretofore fixed by law in the several counties composing said district are hereby made returnable to the terms of said court in the several counties as fixed by this Act, and all process heretofore returnable, as well as all bonds and recognizances heretofore entered into, in any of said courts, shall be valid and binding as if no change had been made by this Act in the times of holding said terms of court; provided, that if any court in any county of said judicial district shall be in session at the time this Act takes effect, such court shall continue in session until the term thereof shall expire or be adjourned under the provisions of existing laws. Thereafter the courts of said county or counties shall conform to the requirements of this Act.

Sec. 7. The trials and proceedings in said criminal district shall be conducted in criminal cases according to the laws governing pleadings, practice and proceedings in criminal cases in the district courts.

Sec. 8. A grand jury shall be drawn and selected for each term of said court held in Nueces, Kleberg, Willacy and Cameron Counties in the manner now provided by law, and all grand and petit jurors for criminal cases drawn and selected for the Twenty-eighth Judicial District Court under existing laws at the time this Act takes effect, shall be as valid as if no change had been made, and the persons constituting such juries shall be required to appear and serve at the next ensuing term of this court as fixed by this Act, and their acts shall be as valid as if they had served as jurors in the court for which they were originally drawn, and all laws regulating the selection, summoning and impaneling of grand and petit jurors in the district court shall govern said criminal district court, and jury commissioners shall be appointed for drawing juries for said court as is now or may hereafter be required by law in district courts, and under like rules and regulations.

Sec. 9. Immediately upon the taking effect of this Act, the criminal cases and tax suits and divorce cases

now pending in the Twenty-eighth Judicial District Court in the respective Counties of Nueces, Kleberg, Willacy and Cameron, together with all records and papers relating thereto, shall be transferred to said criminal district court in each respective county, except as otherwise provided in Section 2 hereof.

Sec. 10. All process and writs heretofore issued or served in divorce cases and suits for the collection of delinquent taxes pending in the Twenty-eighth Judicial District court in either Nueces, Kleberg, Willacy or Cameron Counties, returnable to the Twenty-eighth Judicial District Court, and all process and writs in criminal cases pending in said courts heretofore issued or served, returnable to said Twenty-eighth Judicial District Court, shall be considered returnable to the criminal district court herein created, at the time as hereinafter prescribed, and all such process and writs are hereby legalized and validated as if the same had been made returnable to said criminal district court of Nueces, Kleberg, Willacy and Cameron Counties, hereby created, and at the time herein prescribed, and all bail bonds, bonds and recognizances in criminal cases pending in said Twenty-eighth Judicial District Courts, when this Act takes effect, binding any person or persons to appear in said court in either of the counties named in this Act, shall have the effect to require such person or persons to appear at the first term of said criminal district court held respectively in Nueces, Kleberg, Willacy and Cameron Counties, where said bail bond, bond or recognizances has been given and taken in the Twenty-eighth Judicial District Court after the taking effect of this Act, and there to remain in said court in said respective county from day to day and from term to term until fully discharged, under the same penalties as provided by law in such cases, and to the same effect as if the case or matter was still pending in the district court in which said bail bond, bond or recognizance was originally given and taken, and all said bail bonds, bonds and recognizances shall have the same validity and be as valid and binding as if this Act had not been passed, and at



the first term of said criminal district court held in the counties where said bail bond, bond or recognizance has been given and taken in the district court of the Twenty-eighth Judicial District in said counties, respectively.

Sec. 11. That all laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 12. The great accumulation of cases upon the docket of the district courts of Nueces, Kleberg, Willacy and Cameron Counties being such as to require immediate relief by the creation of a criminal district court for said counties, creates an imperative duty, necessity and emergency that requires that the constitutional rule requiring bills to be read on three several days be suspended, and the rule is hereby suspended, and that this bill be placed upon its third reading and passage without being so read, and that this Act take effect from and after its passage, and it is so enacted.

### THIRTY-EIGHTH DAY.

Senate Chamber,

Austin, Texas,

Tuesday, February 27, 1917.

The Senate met at 2:20 o'clock p. m., pursuant to adjournment, and was called to order by Lieutenant Governor W. P. Hobby.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Hopkins.
Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnson of Harris.
Buchanan of Scurry.	King.
Caldwell.	Lattimore.
Clark.	McCollum.
Dayton.	McNealus.
Dean.	Page.
Floyd.	Robbins.
Gibson.	Strickland.
Hall.	Sulter.
Harley.	Westbrook.
Henderson.	Woodward.

Absent.

Parr.

Absent—Excused.

Decherd.

Smith.

47—Senate.

Prayer by the Chaplain.

Pending the reading of the Journal, the same was dispensed with on motion of Senator McNealus.

Excused.

Senator Smith, for today, on account of sickness, on motion of Senator Clark.

### Executive Session.

The Chair here announced that the hour, 2:30 o'clock p. m., heretofore designated by the Senate to hold Executive Session, had arrived, and directed the Chamber cleared of those not entitled to remain.

The following action was taken in Executive Session as reported by the Secretary to the Journal Clerk:

The Senate refused to confirm the following appointment made by the Governor:

To be a member of the Board of Regents of State University—Dr. D. H. Lawrence of El Paso County.

### In the Senate.

(Lieutenant Governor Hobby in the chair).

### Petitions and Memorials.

See Appendix.

### Committee Reports.

See Appendix.

### Bills and Resolutions.

By Senators Clark and Harley:

S. B. No. 437, A bill to be entitled "An Act to amend Chapter 4 of Title 22 of the Revised Civil Statutes of the State of Texas, by adding hereto Article 839a, empowering cities and towns incorporated under the General Law and those to be incorporated under the General Law, and the commissioners courts of the several counties to make rules and regulations by ordinance and order affecting the control and elimination of contagious and infectious diseases, and prescribing rules of health as a prerequisite for admission to institutions of learning, and declaring an emergency."